

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LES JANKEY, et al.,
Plaintiffs,

No. C 08-2733 MMC

ORDER OF DISMISSAL

v.


FIVE HAPPINESS RESTAURANT INC., et
al.,
Defendants

Plaintiffs having advised the Court that the parties have agreed to a settlement of the above-titled action,

IT IS HEREBY ORDERED that plaintiffs' claims alleged herein against defendants be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: December 29, 2009


MAXINE M. CHESNEY
United States District Judge